UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,475	02/21/2002	Hideyuki Ban	HITA.0173	4858

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EXAMINER
TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/078,475	BAN ET AL.
	Examiner	Art Unit	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,8-17,19 and 20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6,8-17,19 and 20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1.   This communication is in response to the Response and Preliminary Amendment

filed on 5/24/2006. Claims 7 and 18 have been cancelled. Claims 1, 5, 9, 12, and 16

have been amended. Claim 20 is newly added. Claims 1-6, 8-17, and 19-20 remain

pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 8-10, 12-17, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Summerell et al. (5,937,387; hereinafter Summerell), in view of

Campell et al. (6,059,724; hereinafter Campbell).

(A)   As per currently amended claim 1, Summerell discloses a health management

support method implemented in a computer-based data processing system for

generating life expectancy data to be used in a health management system, comprising:

    (1)   providing a database for storing healthy life expectancy prediction data

            that represents transition of a percentage of normal people in each result

            of health screening (Summerell: abstract; col. 8, lines 16-25; col. 11-16;

            Fig. 7-14);

    (2)   generating health screening report data for each person who undergoes

            health screening by data entry means (Summerell: col. 8, line 50-55; Fig.

            3); and

    (3)   preparing medical payment prediction knowledge data as basic data for

            predicting medical payment from a diversity of healthy life expectancy; and

            calculating a predicted amount of future medical payment of the each

            person who undergoes health screening based on the predicted period of

            healthy life expectancy of the each person and the medical payment

            prediction knowledge data (Summerell: col. 4, lines 65-67; col. 5, lines 1-

            11).

Summerell, however, fails to *expressly* disclose a health management support

method implemented in a computer-based data processing system for generating life

expectancy data to be used in a health management system, comprising:

(4)   generating personal healthy life expectancy prediction data by selecting at

       least one of said healthy life expectancy prediction data based on said

       inputted health screening report data for each said person;

(5)   estimating a predicted period of healthy life expectancy of each said

       person, by calculating based on said selected personal healthy life

       expectancy prediction data; and

(6)   outputting said estimated predicted period of healthy life expectancy of

       each said person.

Nevertheless, these features are old and well known in the art, as evidenced by

Campell. In particular, Campell discloses a health management support method

implemented in a computer-based data processing system for generating life

expectancy data to be used in a health management system, comprising:

(4)   generating personal healthy life expectancy prediction data by selecting at

       least one of said healthy life expectancy prediction data based on said

       inputted health screening report data for each said person (Campell:

       abstract; col. 4, lines 26-67; col. 5, lines 1-62);

    (5)   estimating a predicted period of healthy life expectancy of each said

person, by calculating based on said selected personal healthy life

expectancy prediction data (Campell: abstract; col. 4, lines 26-67; col. 5,

lines 1-62) (Examiner considers the time period prior to the predicted time

period correlating with the onset of a health problem to read on "a

predicted period of healthy life expectancy."); and

    (6)   outputting said estimated predicted period of healthy life expectancy of

each said person (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62;

col. 9, lines 3-23).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Campell with the teachings of Summerell with the motivation of providing a means of predicting the onset of health problems (Campell: col. 4, lines 27-32).

(B)   As per previously presented claim 2, Summerell discloses a health management support method as recited in claim 1 further comprising:

a health management plan generation step which comprises generating health management plans for each said person who underwent health screening, based on the predicted value of healthy life expectancy of each said person (Summerell: col. 16, lines 51-67; col. 17, lines 1-27; Fig. 17-29).

(C)   As per previously presented claim 3, Summerell discloses a health management

support method as recited in claim 2, wherein the health management plan generation

step comprises generating health screening recommendation plans (Summerell:

abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig. 18-29).

(D)   As per previously presented claim 4, Summerell discloses a health management

support method as recited in claim 2, wherein the health management plan generation

step further comprises generating healthy lifestyle practice recommendation plans for

guiding each person in improving his or her living habits such as meals, exercise, and

smoking (Summerell: abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig. 18-29).

(E)   As per currently amended claim 5, Summerell discloses a health management

support method as recited in claim 4, further comprising:

a health management effect prediction step which comprises estimating change

to the predicted period of healthy life expectancy of a person, wherein the

expected change is based on the person practicing life-style improvement

advised in a health management plan generated in the health management plan

generation step (Summerell: abstract; col. 16, lines 51-67; col. 17, lines 1-36; Fig.

18-22).

(F)   As per original claim 6, Summerell discloses a health management support

method as recited in claim 5, further comprising:

   (1)   a medical payment prediction step which comprises preparing medical

           payment prediction knowledge data beforehand as basic data for

           predicting medical payment from a diversity of healthy life expectancy and

           calculating change to medical payment predicted for a person who

           underwent health screening, based on the change to the predicted period

           of healthy life expectancy of the person estimated in the health

           management effect prediction step and through the use of the medical

           payment prediction knowledge data (Summerell: col. 4, lines 65-67; col. 5,

           lines 1-11).

(G)   As per original claim 8, Summerell discloses a health management support

method as recited in claim 1, further comprising:

   (1)   a medical insurer management support step which comprises predicting

           aggregate medical payment of a medical insurer as a whole, based on the

           predicted period of healthy life expectancy of each assured person who is

           a policyholder insured by the medical insurer (Summerell: col. 4, lines 65-

           67; col. 5, lines 1-11).

(H)   As per currently amended claim 9, Summerell fails to *expressly* disclose the

health management support method according to claim 1, wherein said calculation is

performed by applying an equation

$$\sum_{x-1}^{\infty} Lx/Li$$

to select said healthy life expectancy prediction data when age of said person is i,

wherein *Lx* and *Li* are percents of normal people at age x and age i, respectively.

However, the above formula appears to be nothing more than a normalization

calculation. It is respectfully submitted that normalization techniques are old and well

known in the art (See col. 11, lines 50-59 and Fig. 8 of Summerell.)

One of ordinary skill would have found it obvious at the time of the invention to

substitute the normalization techniques of Summerell with the use of a particular

formula, such as that recited in claim 9, with the motivation of providing various options

to a measure that is statistically relevant (Summerell: col. 1, lines 44-63).

(I)   As per previously presented claim 10, Summerell discloses the health

management support method according to claim 1, wherein said healthy life expectancy

prediction data is generated by collecting health screening report data of a plurality of

person, collecting medical data comprised of medical services details, generating a

healthy life expectancy prediction data by calculating the percentage of the dead and

the percentage of people being sick or disabled for every age from said medical data,

and generating healthy life expectancy prediction data (Summerell: col. 9, lines 32-67;

col. 10, lines 1-50).

(J)   Currently amended claim 12 differs from claim 1 by reciting "...support program

implemented in software stored on a tangible medium..." within its preamble. As per

these elements, Summerell's health management support system includes a computer,

server system, keyboard, display monitor, and a memory (Summerell: col. 7, lines 47-

67; col. 8, lines 1-30). As such, it is readily apparent that Summerell's health

management support system is controlled by a support program implemented in

software stored on a tangible medium.

The remainder of claim 12 repeats the same limitations of method claim 1 and is

therefore, rejected for the same reasons given above for claim 1 and incorporated

herein.

(K)   Claims 13-17 and 19 repeat the same limitations of claims 2-6 and 8 and

therefore, are rejected for the same reasons given for those claims.

4.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Summerell and Campell, as applied to claim 1 above, and further in view of Joao

(6,283,761; hereinafter Joao).

(A)   As per previously presented claim 11, Summerell fails to *expressly* disclose the

health management support method according to claim 10, wherein medical data has

medical fee bill data.

Nevertheless, these features are old and well known in the art, as evidenced by

Joao. In particular, Joao discloses the health management support method according

to claim 10, wherein medical data has medical fee bill data (Joao: abstract; col. 16 – col.

19).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Joao with the teachings of Summerell with the motivation of

providing an apparatus and method for performing healthcare diagnoses (Joao: col. 8,

lines 14-16).

5.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Summerell and Campell, as applied to claim 1 above, and further in view of Iliff

(6,569,093; hereinafter Iliff) and further in view of Seare et al. (5,557,514; hereinafter

Seare).

(A)   As per new claim 20, Summerell fails to *expressly* discloses the health

management support method as recited in claim 1, comprising:

(1)   calculating predicted duration of at least one of diseases and disability

        based on said predicted period of said healthy life expectancy; and

(2)   calculating an aggregate of medical payments predicted for the at least

        one of diseases and disability.

Nevertheless, these features are old and well known in the art, as evidenced by

Campell, Iliff and Seare. In particular, Campell, Iliff and Seare disclose the health

management support method as recited in claim 1, comprising:

(1)   calculating predicted duration of at least one of diseases and disability

        (Iliff: col. 2, lines15-41) based on said predicted period of said healthy life

        expectancy (Campell: abstract; col. 4, lines 26-67; col. 5, lines 1-62); and

(2)   calculating an aggregate of medical payments predicted for the at least

        one of diseases and disability (Seare: abstract).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Campell with the combined teachings of Summerell, Iliff and

Seare with the motivation of providing a means of predicting the onset of health

problems (Campell: col. 4, lines 27-32).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Iliff with the combined teachings of Summerell, Campell and

Seare with the motivation of predicting a timeline (i.e., duration) of a disease or disability (Iliff: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Seare with the combined teachings of Summerell, Campell and Iliff with the motivation of predicting the cost associated with a diagnosis (Seare: abstract).

Response to Arguments

6.   Applicant's arguments filed 5/24/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 5/24/2006.

(A)   On page 9 of the 5/24/2006 response, Applicant argues that neither Summerell nor Campell explicitly or implicitly teach or suggest that a predicted amount of future medical payment of an applicant is calculated based on the predicted period of healthy life expectancy of each person and the medical payment prediction knowledge data for predicting medical payment from a diversity of healthy life expectancies. Applicant further argues that neither Summerell nor Campell explicitly or implicitly teach or suggest that the amount of health and life insurance premiums corresponds to a

predicted amount of future medical payment, or is calculated based on predicted

amount of future medical payment.

In response, Examiner respectfully submits that the combined teachings of

Summerell and Campell do indeed teach and suggest the limitations of claim 1 and

directs the Applicant's attention to the citations provided by the Examiner in the rejection

above.

(B)   On page 9 of the 5/24/2006 response, Applicant argues that Summerell does not

show that information about an applicant is collected through health screening.

Examiner, however, respectfully disagrees and considers a questionnaire to read

on "health screening." Assuming *arguendo* that a questionnaire is not a kin to "health

screening," Campell unequivocally teaches collecting information regarding a patient via

health screening.

(C)   On page 9 of the 5/24/2006 response, Applicant argues that there is no

suggestion or motivation in either Summerell or Campell to combine these features

explicitly or implicitly, or in knowledge generally available to one of ordinary skill in the

art at the time of the invention was made to embody all the features of the invention as

now recited in claim 1.

Examiner disagrees and has provided a suggestion/motivation to combine the

teachings of Summerell with the teachings of Campell as provided in the rejection

above.

(D)   On page 10 of the 5/24/2006 response, Applicant merely rehashes arguments

already addressed by Examiner above as they relate to dependent claims 2-11,

independent claim 12, and dependent claims 13-19.

(E)   On pages 10-11 of the 5/24/2006 response, Applicant argues Joao says nothing

about the medical payment prediction knowledge data is prepared as basic data for

predicting medical payment from a diversity of healthy life expectancy and a predicted

amount of a predicted amount of future medical payment of an applicant is calculated

based on the predicted period of healthy life expectancy of the each person and the

medical payment prediction knowledge data.

Examiner notes that whereas the Joao reference was relied upon to address the

recitation of "wherein medical data has medical fee bill data," the Summerell and

Campell references were relied upon to address the recitations of "medical payment

prediction knowledge data is prepared as basic data for predicting medical payment

from a diversity of healthy life expectancy and a predicted amount of a predicted

amount of future medical payment of an applicant is calculated based on the predicted

period of healthy life expectancy of the each person and the medical payment prediction

knowledge data." As such, these arguments have already been addressed above.

(F)   Applicant's final argument, stated on page 11 of the 5/24/2006 response, is that

there is no suggestion or motivation in either Summerell, Campell or Joao to combine

these features explicitly or implicitly, or in the knowledge generally available to one of

ordinary skill in the art at the time the invention was made to embody all the features of

the invention as recited in claim 1, upon which claim 11 depends.

Examiner respectfully disagrees and has provided a suggestion/motivation to

combine the teachings of Summerell, Campell, and Joao as provided in the rejection

above.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure. The cited but not applied art teaches a system for funding future

workers compensation losses (5,613,072).

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Tomaszewski whose telephone number is

(571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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MT

C. LUKE GILLIGAN
PATENT EXAMINER